

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of )  
Hiroshi SANO et al. ) Group Art Unit: Unassigned  
Application No.: Unassigned ) Examiner: Unassigned  
Filed: March 15, 2000 )  
For: A GENE WHICH EXHIBITS )  
INDUCED EXPRESSION BY STRESS )

**PRELIMINARY AMENDMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Prior to examination of the above-captioned patent application, kindly enter the following amendment.

**IN THE CLAIMS:**

Kindly replace claims 7 and 8, and add new claims 10-18, as follows.

7. (Amended) A method to render resistance to an environmental stress to a plant, the method comprising incorporation of the gene according to claim 6 into said plant.

8. (Amended) A transgenic plant exhibiting resistance to an environmental stress, produced by incorporation of the gene according to claim 6 into a plant.

10. (New) A method to render resistance to an environmental stress to a plant, the method comprising incorporation of the gene according to claim 5 into said plant.

11. (New) A method to render resistance to an environmental stress to a plant, the method comprising incorporation of the gene according to claim 4 into said plant.

12. (New) A method to render resistance to an environmental stress to a plant, the method comprising incorporation of the gene according to claim 3 into said plant.

13. (New) A transgenic plant exhibiting resistance to an environmental stress, produced by incorporation of the gene according to claim 5 into a plant.

14. (New) The transgenic plant according to claim 13, wherein said plant is selected from the group consisting of lily, rice, maize, asparagus, wheat, *Arabidopsis thaliana*, tobacco, carrot, soybean, tomato and potato.

15. (New) A transgenic plant exhibiting resistance to an environmental stress, produced by incorporation of the gene according to claim 4 into a plant.

16. (New) The transgenic plant according to claim 15, wherein said plant is selected from the group consisting of lily, rice, maize, asparagus, wheat, *Arabidopsis thaliana*, tobacco, carrot, soybean, tomato and potato.

17. (New) A transgenic plant exhibiting resistance to an environmental stress, produced by incorporation of the gene according to claim 3 into a plant.

18. (New) The transgenic plant according to claim 17, wherein said plant is selected from the group consisting of lily, rice, maize, asparagus, wheat, *Arabidopsis thaliana*, tobacco, carrot, soybean, tomato and potato.

**REMARKS**

By the present Preliminary Amendment, all multiple dependency has been eliminated and new dependent claims 10-18 have been added so that the scope of the original multiple dependent claims has been preserved. It is to be understood that the revisions to the claims are solely for formalistic purposes and not with regard to patentability.

Entry of the instant Preliminary Amendment and favorable consideration on the merits are respectfully requested.

Should the Examiner have any questions concerning the subject application, the Examiner is invited to contact the undersigned attorney at the number provided below.

Respectfully submitted,

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Date: March 15, 2001

**Attachment to Preliminary Amendment dated March 15, 2000**

**Marked-up Claims 7 and 8**

7. (Amended) A method to render resistance to an environmental stress to a plant, the method comprising incorporation of the gene according to [either one of claim 3 to] claim 6 into said plant.

8. (Amended) A transgenic plant exhibiting resistance to an environmental stress, produced by incorporation of the gene according to [either one of claim 3 to] claim 6 into a plant.